

Nathaniel F. Sanders (“Sanders”) appeals his conviction in Allen Superior Court of Class B felony possession of a firearm by a serious violent felon.¹ He raises one issue: whether sufficient evidence supports his conviction. We affirm.

Facts and Procedural History

On June 14, 2006, Fort Wayne police officers responding to a report of a man carrying a shotgun encountered Sanders. The officers ordered Sanders to stop and drop the weapon. Sanders complied and told the officers that he had just purchased the broken shotgun for ten dollars.

The State charged Sanders with Class B felony unlawful possession of a firearm by a serious violent felon. A jury trial commenced on October 4, 2006. The parties stipulated that Sanders qualified as a serious violent felon under applicable statute. The jury found Sanders guilty, and the trial court sentenced him to eight years. Sanders now appeals.

Standard of Review

When we review a claim of sufficiency of the evidence, we do not reweigh the evidence or judge the credibility of the witnesses. Jones v. State, 783 N.E.2d 1132, 1139 (Ind. 2003). We look only to the probative evidence supporting the judgment and the reasonable inferences therein to determine whether a reasonable trier of fact could conclude the defendant was guilty beyond a reasonable doubt. Id. If there is substantial evidence of probative value to support the conviction, it will not be set aside. Id.

¹ Ind. Code § 35-47-4-5 (2004 & Supp. 2007).

Discussion and Decision

Sanders argues that the State presented insufficient evidence to sustain his conviction of Class B felony unlawful possession of a firearm by a serious violent felon. Specifically, he contends that the inoperable shotgun he possessed should not be considered a firearm.

The term firearm “means any weapon that is capable of or designed to or that may readily be converted to expel a projectile by means of an explosion.” Ind. Code § 35-47-1-5 (2004). While Sanders acknowledges that the shotgun was “originally designed” to expel a projectile by means of explosion, he argues that in its inoperable state, it was effectively “redesigned and made incapable of expelling a projectile.” Br. of Appellant at 5.

In State v. Gibbs, 769 N.E.2d 594, 597 (Ind. Ct. App. 2002), trans. denied, this court recognized that the statute’s requirement that a gun need only have been designed to expel a projectile by means of an explosion, rather than actually and currently being capable of doing so, “reflects our legislature’s recognition that even an inoperable gun is inherently dangerous.” See also Staten v. State, 844 N.E.2d 186, 187 (Ind. Ct. App. 2006), trans. denied (disassembled gun constituted a “firearm” under statutory definition); Manley v. State, 656 N.E.2d 277, 279 (Ind. Ct. App. 1995), trans. denied (inoperable handgun is a “firearm” under the statute).

We conclude sufficient evidence supports Sanders’s conviction of Class B felony unlawful possession of a firearm by a serious violent felon.

Affirmed.

DARDEN, J., and KIRSCH, J., concur.